



I fw

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 17-May-05

Katie Hales
Katie Hales

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/636,112

Attorney Docket: DP-303841

Filing Date: 08/07/2003

Group Art Unit: 3752

Applicant: Malcolm David Dick Lambert et al.

Examiner: Kim, Christopher S.

Title: INJECTION NOZZLE

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROVISIONAL ELECTION

Sir:

This is in response to the Office Action mailed April 20, 2005, imposing a Restriction Requirement between:

Group I, claims 16-22 and 24-36, directed to a an injection nozzle; and

Group II, claims 23, 37, and 38, directed to a method of assembling an injection nozzle.

In response to the Restriction Requirement, Applicant provisionally elects to prosecute Group I, claims 16-22 and 24-36. Nevertheless, Applicants respectfully traverse the requirement.

Claims 16, representative of Group I, call for an injection nozzle that includes first coating and a second coating. Claim 23 of Group II is drawn to a method of assembling the injection nozzle in claim 16. Even a causal read of these claims reveals that they are merely

different aspects of but a single invention. Moreover, prior art showing the method of assembling the injection nozzle would also clearly be relevant to the injection nozzle, regardless of where such art is found within the classification scheme of the Patent Office. Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that, where the claims have common distinctive features such as here, all claims should be examined together. The Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

Restriction is further required between:

Species A, depicted in Fig. 1;

Species B, shown in Fig. 2;

Species C, shown in Fig. 3;

Species D, described at page 9, lines 8-17;

Species E, described at page 9, lines 22-30; and

Species F, described at page 10, lines 3-14.

Applicants provisionally elect to prosecute Species F, described at page 10, lines 3-14. (Applicants notice that the Restriction Requirement listed two Species E, and assume that Species F was intended. If Species E was intended to include both, Applicants elect Species E.)

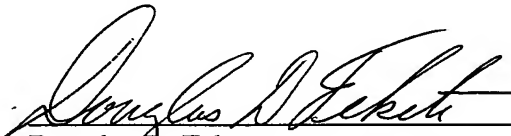
Applicants believe that claims 16-21, 24-26, and 30-36 are readable upon the elected species, with the understanding that some dependent claims may not read upon all embodiments of the elected species.

Applicants respectfully traverse the restriction requirement, and upon allowance of a generic claim, reserve a right to consideration of claims to additional species. While no claim presently in the case is generic for all species, Applicants note that at least claim 24 is generic for Species D, E and F.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", written over a horizontal line.

Douglas D. Fekete
Reg. No. 29,065
Delphi Technologies, Inc.
Legal Staff – M/C 480-410-202
P.O. Box 5052
Troy, Michigan 48007-5052
Phone (248) 813-1210